

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 15728 of 2005

Dated: 18-08-2005

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Between:

Patanala Ratnama and another.

..... PETITIONERS.

AND

The Government of A.P. represented by its Secretary to Revenue Department,
Secretariat, Saifabad, Hyderabad and others.

..Respondents.

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 15728 of 2005

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ORDER:

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This writ petition is filed by the petitioners, who are two in number, assailing the action of the respondents in not conveying the lands, which remain unutilized.

2. The petitioner No.1 is the owner of Ac:5-14 cents whereas the petitioner No.2 is

the owner of Ac:3-05 cents of land. Their lands came to be acquired by the Government for the purpose of construction of steel plant.

3. It is the contention of the petitioners that out of Ac: 5-14 cents, only Ac:1-68 cents has been used and out of Ac:3-05 cents, only Ac:1-26 cents has been used for the purpose for which they are required. Since part of the lands acquired has not been put to use for the purpose for which they are acquired, representations have been made by the petitioners for re-conveyance of the same. The 4th respondent-Special Deputy Collector-cum-Land Acquisition Officer for Steel Plant, Visakhapatnam has recommended the case of the petitioners to the Government for re-conveyance. Since the Government has not taken any action on the proposal sent by the 4th respondent, the petitioners have approached this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

4. The respondents filed counter-affidavit. It is stated in the counter-affidavit that in case the land is not required for the purpose for which it is acquired due to any reason, the land shall be utilized for any other public purpose, as deemed fit, including afforestation. The contention of the respondents is that the unutilized land cannot be re-conveyed to the petitioners as it can be put to use for some other public purpose.

5. Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition appearing on behalf of the respondents.

6. Learned counsel for the petitioners submits that once the land acquired has not been put to use for a particular purpose for which they are required, the land owners are entitled for re-conveyance of the same. Reliance has been placed on the decision of this Court in M. VENKANNA V. DISTRICT COLLECTOR (LAND ACQUISITION), KHAMMAM.

7. Whereas, the learned Government Pleader for Land Acquisition submits that even though the land acquired has not been put to use for the purpose for which they are required, still it is open for the Government to use the same for some other public purpose.

8. The fact remains that the 4th respondent has recommended the case of the petitioners and the government has not taken any steps so far. In such situation, I

deem it appropriate to direct the respondents to pass appropriate orders on the proposal sent by the 4th respondent with regard to re-conveyance of the unutilized land within eight weeks from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition is disposed of. No order as to costs.

18-08-2005

sj